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PREPARATORY COMMITTEE ON THE
ESTABLISHMENT OF AN
INTERNATIONAL CRIMINAL COURT
12-30 August 1996

DRAFT REPORT OF THE PREPARATORY COMMITTEE

Rapporteur: Mr. Yun YOSHIDA (Japan)

I. INTRODUCTION

1. The Preparatory Committee on the Establishment of an International Criminal Court met at United Nations Headquarters from 25 March to 12 April 1996 and from 12 to 30 August 1996, in accordance with General Assembly resolution 50/46 of 11 December 1995.

2. Under paragraph 2 of that resolution, the Preparatory Committee was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. 1/

3. Mr. Hans Corell, Under-Secretary-General, the Legal Counsel, opened the session, represented the Secretary-General and made an introductory statement.

4. The Codification Division of the Office of Legal Affairs acted as the secretariat of the Preparatory Committee, with Mr. Roy S. Lee, Director of the Division, acting as the Secretary of the Committee.

5. At the 1st meeting, on 25 March 1996, the Preparatory Committee elected its Bureau, as follows:

Chairman: Mr. Adriaan Bos (Netherlands)

Vice-Chairmen: Mr. Cherif Bassiouni (Egypt)
Mrs. Silvia A. Fernández de Gurmendi (Argentina)
Mr. Marek Madej (Poland)

Rapporteur: Mr. Jun Yoshida (Japan)

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6. Also at the 1st meeting, the Preparatory Committee adopted the following agenda (A/AC.249/L.1):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Further consideration of the major substantive and administrative issues arising out of the draft statute for an international criminal court prepared by the International Law Commission and, taking into account the different views expressed during the meetings, drafting of texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries.

6. Adoption of the report.

7. The Preparatory Committee had before it, in addition to the draft statute for an international criminal court adopted by the International Law Commission (ILC) at its forty-sixth session, 2/ the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, 3/ the comments received pursuant to paragraph 4 of General Assembly resolution 49/53 of 9 December 1994 on the establishment of an international criminal court (A/AC.244/1 and Add.1-4) and a preliminary report submitted by the Secretary-General pursuant to paragraph 5 of that resolution, on provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court (A/AC.244/L.2). Also before it was the Draft Code of Crimes against the Peace and Security of Mankind adopted by the International Law Commission at its forty-eighth session; 4/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; 5/ and Principles Guaranteeing the Rights and Interests of Victims in the Proceedings of the Proposed International Criminal Court. 6/

Notes

1/ The list of delegations to the Preparatory Committee is contained in document A/AC.249/INF/1.

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. II.B.I.5; and A/49/355, chap. II.

3/ Ibid., Fiftieth Session, Supplement No. 22 (A/50/22).

4/ A/CN.4/L.532 and Corr.1 and 3.

5/ General Assembly resolution 40/34, annex.

6/ E/CN.15/1996/16/Add.5, recommendation 2, annex.